

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

APR 25 1955

TELETYPE

FBI, SALT LAKE CITY

4-25-55

12-15 PM MST

RJW

DIRECTOR, FBI

UR GENT

HERMAN M. GREENSPUN, WA HANK GREENSPUN, CONTEMPT OF COURT. AUSA

[REDACTED] RENO, NEVADA, HAS THIS DATE ADVISED THAT USDJ JOHN R. ROSS,
CARSON CITY, NEV. ^{HAS} REQUESTED HIM TO HAVE INVESTIGATION MADE OF POSSIBLE
CONTEMPT OF COURT BY SUBJECT PRIOR TO, DURING AND SUBSEQUENT TO POSTAL
VIOLATION TRIAL THIRTEENTH INSTANT WHICH RESULTS IN JURY ACQUITTAL AND
OVER WHICH ROSS PRESIDED AT LAS VEGAS, NEV. ROSS DESIRES TO CHECK
POSSIBILITY OF CONTEMPT ARISING OUT OF PRESS RELEASES GIVEN AND ARTICLES
WRITTEN BY GREENSPUN REGARDING THE RULINGS AND CONDUCT OF THE COURT.

ROSS HAD HANDLED DIRECTLY WITH [REDACTED] AND DOES NOT WISH TO INVOLVE USA
MADISON B. GRAVES BECAUSE OF VICTRIOLIC TENOR OF GREENSPUN-S ARTICLES
RE GRAVES ALSO. [REDACTED] REQUESTED FBI HANDLE INVESTIGATION AND ADVISED
INVESTIGATION CAN BE LIMITED NOW TO REVIEW OF NEWSPAPER ARTICLES. HE
SPECIFICALLY MENTIONED NEWS RELEASE MADE BY GREENSPUN ALLEGEDLY THERE
FOR PURPOSE OF CONFERRING WITH ATTORNEY, REQUESTED GREENSPUN-S NEWSPAPER,
THE LAS VEGAS SUN, BE CHECKED FOR PAST SIX MONTHS AND SPECIFICALLY
MENTIONED ISSUES OF APRIL TWELFTH, TWENTIETH AND TWENTYFIRST INSTANT,
AS HAVING STRONG COMMENTS IN THE COLUMN "FROM WHERE I STAND". ROSS
HAS TOLD [REDACTED] HE WILL WANT TO REVIEW REPORT AND HAS ALSO REQUESTED
[REDACTED] TO PREPARE A BRIEF. BUREAU-S INSTRUCTIONS REQUESTED.

CORNELIUS

Mr. Rosen

END AND ACK PLS @ C EVANS v Sup. 105 f 24
3-18 PM OK FBI WA BJB MAY 4 1955

THI DISCPLS

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen *ER*
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

b6
b7c

SEARCHED 73

INDEXED

FILED

Memo to RJW

EX-116 APR 28 1955

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

APR 26 1955

TELETYPE

FBI SALT LAKE CITY

4-26-55

RJW

DIRECTOR, FBI

UR G E N T

HERMAN M. GREENSPUN, WA., CONTEMPT OF COURT. REURTEL TWENTYFIFTH INSTANT

b6

AUSA [redacted] ADVISES WILL REQUEST POSTAL AUTHORITIES TO HAND

b7C

NO FURTHER ACTION BEING TAKEN HERE.

CORNELIUS

END AND ACK PLS

7-36 PM OK FBI WA RD

Revested Investigation
for possible contempt of
Court for newspaper
articles written by
Greenspun.

RECORDED - 72 69-680-2

29 APR 29 1955

Mr. Rosen

6 MAY 6 1955

TEX

cc Rosen, Sup.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

FROM : Mr. Evans

SUBJECT: HERMAN M. GREENSPUN, WA.
CONTEMPT OF COURT

DATE: April 26, 1955

Tolson	✓
Boardman	✓
Nichols	✓
Belmont	✓
Harbo	✓
Mohr	✓
Parsons	✓
Rosen	✓
Tamm	✓
Sizoo	✓
Winterrowd	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

Assistant United States Attorney, Reno, Nevada, has requested review of recent news articles written by Greenspun to facilitate determination regarding whether they constitute contempt of court in which Greenspun was recently acquitted of charges that he wrote articles tending to incite assassination of Senator McCarthy.

Greenspun, notorious and controversial owner and publisher of "Las Vegas Sun," was tried in U. S. District Court on charges brought by Post Office authorities. At the request of the Criminal Division in memorandum 3/18/55 the Bureau conducted a jury panel investigation in connection with the trial which investigation was completed 4/4/55.

Salt Lake City teletype 4/25/55 advised Assistant United States Attorney, Reno, on behalf of trial judge John R. Ross, requested contempt of court investigation regarding news articles written by Greenspun prior to, during and after the trial* with particular reference to articles concerning rulings and conduct of the court. Judge Ross reportedly also commented regarding the vitriolic tenor of articles about United States Attorney Madison B. Graves. Assistant United States Attorney requested investigation be limited at present to review of "Las Vegas Sun" for the last six months specifically mentioning issues on 3 dates in April and stating that Judge Ross desired to review the investigative report.

ACTION:

Salt Lake City was instructed by teletype 4/25/55 to recontact Assistant United States Attorney and point out that the question of whether the news articles constituted contempt is one for the United States Attorney and court to decide and

FWJ:ecb ^{6/26} * Resulted in acquittal
 54 MAY 13 1955 /37

RECORDED - 70
EX-118

69-680-3

21 MAY 4 1955

SENT DIRECTOR
4-26-55

the only investigative action desired appeared to be the securing of pertinent issues of the paper. Since the substantive case handled by postal authorities involved newspaper articles by Greenspun, postal authorities undoubtedly followed his press comments closely and may have retained copies of pertinent issues of the paper.

Salt Lake City, therefore, was instructed to suggest to the Assistant United States Attorney that he consider requesting the Post Office authorities to handle the current matter as a direct outgrowth of the substantive case investigated by them.

KJ
John

gmm

28

X

The Attorney General

May 6, 1955

EX-125

RECORDED
Director, FBI
69-680-4

This is to advise United States District Judge John R. Ross, Carson City, Nevada, has requested Bureau investigation be made to determine whether news articles and news releases written and issued by Greenup regarding rulings and conduct of the court constituted contempt of the court in which Greenup was recently tried. The trial of charges brought by postal authorities in connection with articles written by Greenup and allegedly tending to incite the assassination of United States Senator Joseph P. McCarthy was presided over by Judge Ross and resulted in Greenup's acquittal.

Judge Ross made his request for investigation to Assistant United States Attorney [REDACTED] Ross, Nevada, as he did not wish to involve United States Attorney Madison D. Graves because of the virulent tenor of Greenup's articles concerning Graves. [REDACTED] stated the investigation could be limited at present to a review of newspaper articles reporting that the issues of the "Las Vegas Sun" be checked for the last six months, specifically mentioning the comments made in the column, "From Where I Stand," which appeared in the issues of April 12, 20, and 21, 1955. It is noted that Greenup is the owner and publisher of such "Las Vegas Sun."

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b7c

Judge Ross has requested the Federal Bureau of Investigation to make this investigation as he considers the contempt of court a distinct offense from the substantive postal violation for which Greenup was tried. Investigation has been instituted and you will be informed of the results as soon as they are received.

MAILED 2
MAY 5 1955
COMM-FBI

cc: 2 - Mr. William P. Rogers
Deputy Attorney General

2 - Assistant Attorney General
Warren Olney III

BDM/pwm

5 MAY 1 1955 f324

PARAPHRASED
FBI - WASH D.C.
FBI - NEW YORK
FBI - BOSTON
FBI - PHILADELPHIA
FBI - CHICAGO
FBI - DENVER
FBI - PORTLAND
FBI - LOS ANGELES
FBI - SACRAMENTO
FBI - SEATTLE
FBI - PORTLAND
FBI - BOSTON
FBI - NEW YORK
FBI - WASH D.C.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen *Rosen*

FROM : C. A. Evans *E*

SUBJECT: HERMAN M. GREENSPUN, with alias
CONTEMPT OF COURT

DATE: May 2, 1955

2nd news

Tolson
Boardman
Nichols
Belmont
Harbo
Mohr
Parsons
Rosen
Tamm
Sizoo
Winterrowd
Tele. Room
Holloman
Gandy

U. S. District Judge has requested Bureau assistance in investigation to determine whether news articles written by Greenspun constituted contempt of the court in which Greenspun was recently tried. Greenspun's trial on charges that he wrote articles tending to incite assassination of Senator McCarthy resulted in his acquittal.

Greenspun, notorious and controversial owner and publisher of "Las Vegas Sun," was tried in U. S. District Court on charges brought by Post Office authorities. At the request of the Criminal Division, the Bureau conducted a jury panel investigation in connection with the trial but the substantive case was handled in its entirety by postal authorities.

On 4/25/55, Assistant U. S. Attorney, Reno, on behalf of trial judge, John R. Ross, requested Salt Lake City Office conduct a Contempt of Court investigation regarding news articles written by Greenspun prior to, during, and after the trial with particular reference to articles concerning the rulings and conduct of the court. It was requested that the investigation be limited to a review of issues of the "Las Vegas Sun" for the last six months.

On Bureau instructions, Salt Lake City Office suggested to U. S. Attorney request for this investigation be made to postal authorities who had handled the substantive case and, on 4/26/55, the Assistant U. S. Attorney indicated he would request postal authorities to handle the matter.

Salt Lake City teletype 5/2/55 reflected Assistant U. S. Attorney further discussed this matter with Judge Ross, who requested that FBI make the investigation pointing out that he considered the contempt of court a distinct offense from the substantive postal violation.

RECOMMENDATION

EX-125

RECORDED

29 MAY 10 1955

There is attached for approval a teletype to Salt Lake City Office, instructing that investigation requested by Judge Ross be instituted immediately. This action is being taken since it appears the judge is looking to the FBI to resolve this matter which directly concerns the dignity of his court.

Enclosure
FWJ:ige
(6)

Rec'd 5-3-55
FWJ:ige report

Let to Ag, 5/4/55
Salm-purin

V Send memo to
A. J. Rogers &
Olson. S.

TELETYPE

MAY 2, 1955 URGENT

SAC, SALT LAKE CITY

RECORDED-52

64-680-5
HERMAN M. GREENSPAN, WA., CONTEMPT OF COURT. REURGELS
MAY TWO, FIFTYFIVE. INVESTIGATION REQUESTED BY
ASSISTANT US ATTORNEY ON BEHALF OF US DISTRICT JUDGE
SHOULD BE INSTITUTED IMMEDIATELY. SURP COMPLETE
INVESTIGATION BY MAY SEVENTEEN, NEXT.

HOOVER

MAY 3 10 AM 1955
RECEIVED READING
U. S. DEPARTMENT OF JUSTICE

EWJ:md
(7) *[Signature]*

Note cover memo C.A. Evans to Mr. Rosen 5/2/55, FGJ:180.

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Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

INITIALED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 3 1955

MAY 17 1955 / 37

TELETYPE

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 2 - 1955

TELETYPE

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. S. Z. O.
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

FBI SALT LAKE CITY

5-2-55 12-34 PM MST

RJW

DIRECTOR URGENT

HERMAN M. GREENSPAN, WA. CONTEMPT OF COURT. REMYTEL APRIL TWENTYSIX LAST. AUSA [REDACTED] ADVISES HE HAS FURTHER DISCUSSED THIS MATTER WITH USDJ JOHN R. ROSS WHO HAS REQUESTED FBI MAKE INVESTIGATION, POINTING OUT HE CONSIDERS COMTEMPT OFFENSE A DISTINCT OFFENSE FROM ALLEGED POSTAL VIOLATION AND IN ADDITION, ATTACKS BY SUBJECT AGAINST POSTAL AUTHORITIES MAKE INVESTIGATION OF INST MATTER BY DIFFERENT AGENCY DESIRABLE. INV. DESIRED STILL LIMITED AT THIS POINT TO NEWSPAPER ARTICLE AND PRESS RELEASE REFERRED MYTEL APRIL TWENTYFIVE LAST. BUREAU-S INSTRUCTION REQUESTED.

CORNELIUS

RECORDED-52

END AND ACK PLS FOR TWO MESSAGES
REC TWO MSG OK FBI WA BLW 3-36 PM

69-680 5
12 MAY 10 1955

TUS V

Mr. Rosen

cc: MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE DIVISION

Memorandum
FBI - Salt Lake City
Date: May 12, 1955

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 13 1955

TELETYPE

FBI SALT LAKE CITY

5-13-55

2-56 PM MST

BLB

DIRECTOR URGENT

HERMAN M. GREENSPUN, WA, CONTEMPT OF COURT. REBUTEL THIRD INST.

b6

AUSA [REDACTED], RENO, NEVADA, ADVISES NOT NOW NECESSARY TO OB[b7C] J

GREENSPUN-S NEWS RELEASE IN WASHINGTON, DC. DECEMBER TWENTYFIRST LAST
OTHER THAN THE WAY IT APPEARED IN RENO AND LAS VEGAS NEWSPAPERS, ADVISES
MATTER MAY BE SUBJECT TO FURTHER CONSIDERATION AT LATER DATE AFTER
REPORT WITH ALL PERTINENT ARTICLES IS REVIEWED AND SIGNIFICANCE OF
PRESS RELEASE TO WHOLE PROBLEM CAN BE CONSIDERED. WFO NEED TAKE NO
FURTHER ACTION AT THIS TIME.

CORNELIUS

END AND ACK. PLS.

5-59¹ PM OK FBI WA PC

63 MAY 20 1955

Mr. Rosen

317

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

c. Cornelius

MAY 13, 1955

TELETYPE

SAC, SALT LAKE CITY URGENT
WASHINGTON FIELD (EGG)

HERMAN MILTON GREENSPAN, WA., CONTEMPT OF COURT. REURTEL
MAY TWELVE LAST. AUTHORITY GRANTED FOR REVIEW OF WASHINGTON
PAPERS PROVIDED THIS REVIEW SPECIFICALLY REQUESTED BY JUDGE
OR USA. DISCUSS WITH USA. SUTEL.

RECORDED-48 69-690-7

HOOVER

RER:DC
(5) DC

115
112 DEPT. OF JUSTICE
112 COMMUNICATIONS SECTION
MA 13 10 13 14 22
REC'D 12 12 12 12 12 12

MAY 13 1955 PM 5:30

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U. S. DEPARTMENT OF JUSTICE

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Parsons _____
Rosen _____
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Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

88
336 FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

33 MAY 23 1955 13 10 5

TELETYPE 1-560-001

General Advisory

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 12 1955

TELETYPE

FBI SALT LAKE CITY

5-12-55

3-49 PM MST

GP

DIRECTOR AND SAC WASHINGTON FIELD URGENT

HERMAN MILTON GREENSPUN, WA., CONTEMPT OF COURT. REBUTEL MAY ELEVEN.

WITH REFERENCE TO PRESS RELEASE BY SUBJECT IN WASHINGTON, D. C., LAS VEGAS REVIEW JOURNAL REPORTED SUBJECT AS STATING INDICTMENT RIGGED AND TWO CABINET OFFICERS, TWO U. S. SENATORS, FEDERAL JUDGE, JOHN ROSS AND USA GRAVES WERE CONSPIRING TO SEND HIM TO JAIL. IN LAS VEGAS SUN ON DECEMBER TWENTYFOUR, FIFTYFOUR, SUBJECT CRITICIZED REPORTING OF LAS VEGAS REVIEW JOURNAL AND REFERRED TO THE STATEMENT AS UNTRUEFUL AND DISTORTED. JUDGE ROSS ORIGINALLY REQUESTED THE OBTAINING OF INFORMATION IN THE PRESS RELEASE. NOT DEEMED FEASIBLE TO REQUEST ORIGINAL AP OR UP RELEASE BUT IT IS BELIEVED WASHINGTON PAPERS WOULD MORE LIKELY REFLECT IMPARTIAL REPORTING OF STATEMENTS. IN VIEW OF ABOVE BUREAU REQUESTED TO RECONSIDER INSTRUCTING WASHINGTON FIELD TO REVIEW WASHINGTON PAPERS.

RECORDED-48

69-680-1

CORNELIUS

11 MAY 17 1955

END AND ACK PLS

6-51 PM OK FBI WA PC

Teletype LLC wfo 5/13/55

VT

TWO COPIES *wfo*

Mr. Rosen

336

63 MAY 23 1955

cc: MR. ROSEN
AND COMMANDER

INVESTIGATIVE DIVISION

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

TELETYPE

MAY 11, 1955

URGENT

SAC'S, WASHINGTON FIELD BCS
SALT LAKE CITY

RECORDED-48

HERMAN MILTON GREENSPUN, WA.; CONTEMPT OF COURT. RE SALT LAKE CITY TELETYPE MAY TEN. SINCE IT IS QUESTIONABLE WHETHER STATEMENTS MADE BY GREENSPUN IN WASHINGTON, D. C., COULD CONCEIVABLY BE IN CONTEMPT OF COURT IN NEVADA, WASHINGTON FIELD SHOULD DISREGARD LEAD IN RETEL. PENDING ADVICE FROM SALT LAKE CITY AS TO WHETHER USA OR USDJ ROSS SPECIFICALLY REQUESTED REVIEW OF WASHINGTON PAPERS IT WOULD APPEAR ONLY INFORMATION PUBLISHED AT LAS VEGAS IS PERTINENT TO CONTEMPT ISSUE.

HOOTY HOO

FWJ:DC

(5)

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5 NOV 11 1965
N. E. DELTA U. 30316
ACCL. NO. 350026C

JAY 11 3 51 PM '51
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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

53 MAY 2 1955
TELETYPE

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 10 1955

TELETYPE

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

FBI SALT LAKE CITY

5-10-55 7-04 PM

RFT

DIRECTOR AND SAC WASHINGTON FIELD URGENT

HERMAN MILTON GREENSPUN, WA HANK GREENSPUN, CONTEMPT OF COURT. SU 00.
BUDED SEVENTEENTH INSTANT. FOR INFORMATION WASHINGTON FIELD, GREENSPUN
RECENTLY ACQUITTED IN TRIAL FOR POSTAL VIOLATION AT LAS VEGAS, NEVADA.
USDJ JOHN R. ROSS REQUESTED REVIEW OF ISSUES OF LAS VEGAS SUN NEWS-
PAPER, PUBLISHED BY GREENSPUN, FOR PAST SIX MONTHS AND NEWS RELEASE
MADE BY GREENSPUN WHILE IN WASHINGTON, D. C. FOR POSSIBLE CONTEMPT
ACTION. REVIEW OF RENO, NEVADA, AND LAS VEGAS, NEVADA, NEWSPAPERS,
WHICH DIFFER IN STORIES, REFLECT AP AND UP DISPATCHES INDICATING THAT
GREENSPUN HAD PRESS CONFERENCE AT WASHINGTON, D. C. ON DECEMBER TWENTY-
FIRST, FIFTYFOUR, IN WHICH HE ALLEGED CONSPIRACY TO CONVICT HIM AND MADE
STATEMENTS CONCERNING THE JUDGE BEING QUOTE BEHOLDEN TO SENATOR MALONE
END QUOTE AND EXPECTING TO GET FEW QUOTE BREAKS END QUOTE IN CASE.
RELEASES AS APPEARING IN NEVADA PAPERS WILL BE SET FORTH IN REPORT.

UACB WASHINGTON FIELD WILL REVIEW STORIES APPEARING IN WASHINGTON D. C.
PAPERS. OBTAIN VERBATIM CONTENT RE STATEMENTS MADE BY GREENSPUN AND
SET OUT IN REPORT FORM WITH ONE COPY OF REPORT DESIGNATED FOR USA,
RENO, NEVADA.

RECORDED-48

CORNELIUS

CC: MR. ROSEN
AND SUPERVISOR
INVESTIGATIVE DIVISION

END AND ACKN

10-07 PM OK FBI WA BLW
TWO COPIES WFO

Mr. Rosen

V

Assistant Attorney General
Warren Olney III

May 26, 1955

RECORDED-90

Director, FBI 69-680-9

911-X3 HERMAN MILTON GREENSPUN, with alias
CONTEMPT OF COURT
(Department File 48-46-15)

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b7C

Reference is made to your memorandum
dated May 13, 1955.

There is attached one copy of the report
of Special Agent [redacted] dated May 17,
1955, at Salt Lake City, which reflects investiga-
tion requested by the United States Attorney on
behalf of U. S. District Judge John R. Ross,
Carson City, Nevada.

In view of your request that the report
in this matter be submitted to the Criminal
Division before any further investigation is
conducted, no further action will be taken in
this matter in the absence of a request from you.

Enclosure
69-680-9

cc: 1-Salt Lake City (69-18)

NOTE: Investigation in this case consisted of a review of
news articles written by Greenspun to determine
whether they constituted contempt of the U. S.
District Court in which he was recently acquitted
of charges brought by the Post Office Department
that he wrote articles tending to incite the
assassination of Senator McCarthy. Referenced
memorandum from Olney dated 5/13/55 requested
that upon completion of the review of the newspaper
articles, no further action be taken until the
matter was submitted to the Criminal Division.
This memorandum further advised that similar
instructions had been issued to the United States
Attorney.

Tolson _____
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Parsons _____
Rosen _____
Tamm _____
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Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

FWJ:ige 311

66 JUN 14 1955

MAILED II

MAY 26 1955

COMM-FBI

JFM RJS MVR

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT SALT LAKE CITY

REPORT MADE AT	DATE WHEN MADE	PERIOD FOR WHICH MADE	J. R. B b6 b7C
SALT LAKE CITY	MAY 17 1955	5/2, 4, 5, 6, 9/55	
TITLE		REPORT MADE BY	
HERMAN MILTON GREENSPUN, Wa. Hank Greenpun			
		CHARACTER OF CASE	
		CONTEMPT OF COURT	

NY
Off
SYNOPSIS OF FACTS:

Through AUSA, Reno, Nevada, U. S. District Judge JOHN R. ROSS, requested review of issues of the Las Vegas Sun newspaper, published by subject, for past six months and expressed particular interest in a press release made by subject from Washington, D. C. for possible contempt of court action against subject in connection with recent trial of subject for postal violation. Reno and Las Vegas, Nevada newspaper articles indicate subject made press release from Washington, D. C., 12/21/54, but stories in papers differ. Subject quoted as stating he believed Judge ROSS and USA MADISON B. GRAVES "Both are beholden to Senator MALONE, an antagonist of mine". Stated he was not charging the judge with being biased but he expected to get few "breaks" in the trial. In 4/20/55 issue of Las Vegas Sun, subject refers to monumental error, improper application of law, erroneous instructions given by the court and faulty charges of the court in connection with his trial. In 5/5/55 issue of the Las Vegas Sun, subject reprinted a column from the Mineral County Independent, Hawthorne, Nevada, expressing disappointment in the rulings of the court on points of law in the trial and also stated "If Editor McCloskey was puzzled by Judge ROSS' rulings in this case, how about the feelings of those with legal training who sat in the courtroom and were shocked by such inaccuracies of the legal principles involved?" Subject states he requested his attorneys to ask for conviction so he could appeal to prove the "judicial wrong which was being committed. But I knew in my heart that it was not necessary, the court was aware of it and better than anyone else".

- P -

APPROVED AND FORWARDED:		SPECIAL AGENT IN CHARGE /	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT		<i>69-680-1</i>		
(2) - Bureau (AIR MAIL)		RECORDED 63		
1 - USA, Reno		17 MAY 19 1955		
2 - Salt Lake City (69-18)		<i>W.H.</i>		
<i>cc AAG Oney by memo 5-26-55</i>		<i>Revised 5-27-55</i>		

PROPERTY OF FBI—THIS REPORT IS LOANED TO YOU BY THE FBI, AND NEITHER IT NOR ITS CONTENTS ARE TO BE DISTRIBUTED OUTSIDE THE AGENCY TO WHICH LOANED.

SU 69-18

This investigation is predicated on a request made May 2, 1955 by Assistant United States Attorney [REDACTED] Reno, Nevada, who advised SA LORING J. McGEE that U. S. District Judge JOHN R. ROSS, Carson City, Nevada, had requested the FBI make an investigation of subject for possible contempt of court action in connection with the recent trial of subject for a postal violation. [REDACTED] advised that at this point the investigation desired consisted of a review of the Las Vegas Sun newspaper, published by subject, for the past six months and the obtaining of information in a news release made by subject while in Washington, D. C., several months ago, at which time subject was in Washington, D. C. ostensibly to confer with his attorney.

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AT RENO, NEVADA:

The following investigation was conducted by SA LORING J. McGEE:

The Nevada State Journal for December 22, 1954, was examined at the State Historical Society, State Building, Reno, Nevada, on May 5, 1955, by SA LORING J. McGEE and contains the following article:

"GREENSPUN CLAIMS POLITICAL CONSPIRACY"

"Publisher Blames McCarthy, Others For Prompting Indictment"

"Washington, Dec. 21. (UP)--H. M. Green spun, publisher of the Las Vegas Sun, said today Sen. Joseph R. McCarthy and two cabinet officers prompted his indictment on charges of seeking to incite the assassination of McCarthy.

"Green spun said the two cabinet officials are Attorney General Herbert Brownell, Jr., and Postmaster General Arthur E. Summerfield. Both, Green spun said, are part of a 'continuing political conspiracy' against him.

"He also told a news conference that the Justice Department intends to send a special prosecutor out to Nevada to help United States Attorney Madison Graves try the case.

"Green spun was indicted in February on charges he violated the law when he sent through the mails copies of a Sun column in which he predicted McCarthy's eventual assassination.

SU 69-18

"Federal Judge John Ross sustained the indictment only recently and ordered the case to trial. Greenspun said he would plead innocent at his forthcoming arraignment.

"Political Conspiracy"

"Greenspun told his news conference that he looks for no 'special consideration' from either Graves or Ross because he said 'they are both beholden' to Sen. George Malone for their jobs."

"Greenspun said he believes the indictment 'clearly violates the rights guaranteed to us by the Constitution'."

"Greenspun's Washington attorney, Edward Morgan, said the indictment represents 'one of the few times in history the government has tried to indict a newspaperman for expressing an opinion'."

"He said that the indictment represents the acme of an 'era of political indictments'."

"Morgan said that during the course of the trial he and his associates will attempt to show 'the high level character of the political conspiracy against my client'."

"He indicated the defense may try to subpoena McCarthy and Summerfield during the course of the trial."

"Greenspun said that, if convicted, he would carry the case to the Supreme Court if necessary because of the constitutional issues involved".

The Reno Evening Gazette for December 21, 1954, was examined at the State Historical Society, State Building, Reno, Nevada, on May 5, 1955 by SA LORING J. McGEE, and contains the following article:

"Politics Cause of Indictment Says Publisher"

"Washington, Dec. 21 (AP)—H. M. Greenspun, publisher of the Las Vegas Sun, called a news conference today to discuss what he said was evidence that he is being subjected to 'a political prosecution' by the justice department for having published a denunciation of Sen. McCarthy (R-Wis.).

"Greenspun told a reporter four lawyers will be with him when he meets newsmen. He named them as Edward P. Morgan and William A. Roberts, and Thomas and Joseph Foley of Las Vegas.

"Greenspun has been indicted on charges of publishing an article equivalent to 'incitement to assassinate' McCarthy.

" 'It is no such thing', Greenspun said in advance of his news conference. He said he will explain that the article contained language stating that 'I am against Joe having his head blown off'.

"He said he has been advised that Atty. Gen. Brownell may assign a special prosecutor to the case.

" 'This is a political prosecution and nothing else', Greenspun said. He said he believed it started 'because they were trying to appease McCarthy, but now that McCarthy is on the downgrade I can't understand why they don't drop in. This is a violation of freedom of the press'.

"Greenspun quoted other language in the article which said, 'really I'm against Joe getting his head blown off'. This and other passages, he said, show he was not trying to incite anyone to kill the senator.

"While in Washington, he told reporters, he arranged to have Edward P. Morgan, a Washington lawyer, join the defense staff. Morgan participated in the news conference, and said 'Mr. Greenspun would not have been indicted were it not for his militant stand against the evil of creeping McCarthyism'.

"Morgan said he also shares the belief that Brownell, Summerfield and McCarthy conspired against his client.

" 'In my opinion', Morgan said, 'it will be possible to demonstrate the high level character of the conspiracy . . . Hank Greenspun is guilty of no crime except the crime of expressing an honest opinion'.

"He said he knows of no one who has been incited to try to kill McCarthy as a result of Greenspun's article. To try to punish Greenspun for writing it, Morgan said, would be 'an assault against the citadels of a free press . . . if we do not have a free press our freedoms are really gone'.

"Greenspun said he probably could appeal a recent refusal of the U. S. District Court in Nevada to dismiss the charge against him, but that he will not do so because 'we want to battle this through'.

" 'I don't care if I have to go to jail for five years', Greenspun said at one point".

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AT LAS VEGAS, NEVADA:

The following investigation was conducted by SA [redacted]

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Issues of the Las Vegas Sun newspaper were reviewed for the months of November and December, 1954, at the office of the Clark County Recorder. These records are maintained in a bound volume for these months and beginning with January, 1955, the issues of the paper are microfilmed. A review of these issues on May 4, 1955, reflected the following information concerned with the court or Federal Judge JOHN R. ROSS:

In the December 22, 1954, issue of the Las Vegas Sun, page one and continuing on page two, is the following release under the headline "Hank Claims 'Conspiracy' by Brownell, Summerfield":

"WASHINGTON (AP) --- Herman M. Greenspun, Las Vegas, Nev., newspaper publisher, said yesterday his indictment on charges of publishing matter 'tending to incite murder or assassination' of Sen. McCarthy (R-Wis) grew from a 'conspiracy' among McCarthy, Atty. Gen. Brownell and Postmaster General Summerfield.

"Greenspun, publisher of the Las Vegas Sun, faced reporters at a news conference called in a hotel room to assert his indictment stemmed from efforts to subject him to 'a political prosecution.'

"Greenspun planned to fly back to Nevada immediately to face arraignment on the federal charge. He said he will fight it 'to the Supreme Court if necessary.'

"Greenspun said he has evidence that irregularities marked the grand jury proceedings which brought about his indictment, and that the prosecution was based originally upon efforts by Brownell and Summerfield 'to appease McCarthy.'

"He said he plans to subpoena McCarthy and Summerfield, and perhaps also Brownell for questioning about the reasons for prosecuting him.

"The indictment is based on an article Greenspun published in his newspaper declaring that 'the chances are that McCarthy will eventually be laid to rest at the hands of some poor innocent slob,' who would 'get a gun and blast Joe to Hades.'

"Greenspun quoted other language in the article which said 'Really I'm against Joe getting his head blown off.' This and other passages he said, show he was not trying to incite anyone to kill the senator.

"While in Washington, he told reporters he arranged to have Edward P. Morgan, a Washington lawyer, join the defense staff. Morgan participated in the news conference, and said 'Mr. Greenspun would not have been indicted were it not for his militant stand against the evil of creeping McCarthyism.'

"Morgan said he also shares the belief that Brownell, Summerfield and McCarthy conspired against his client.

"'In my opinion,' Morgan said, 'it will be possible to demonstrate the high level character of the conspiracy . . . Hank Greenspun is guilty of no crime except the crime of expressing an honest opinion.'

"He said he knows of no one who has been incited to try to kill McCarthy as a result of Greenspun's article. To try to punish Greenspun for writing it, Morgan said, would be 'an assault against the citadels of a free press.. if we do not have a free press our freedoms are really gone.'

"Greenspun said he probably could appeal a recent refusal of the U. S. District Court in Nevada to dismiss the charge against him, but that he will not do so because 'we want to battle this through.'

"'I don't care if I have to go to jail for five years,' Greenspun said at one point.

"He said he will appear for arraignment on the charges as 'soon as I get back, and I will demand an early trial in Las Vegas.'

"Greenspun said he believes that U. S. District Judge JOHN ROSS and U. S. Attorney General MADISON GRAVES 'both are beholden to Sen. Malone, an antagonist of mine.' Malone is a Nevada Republican.

"A reporter asked whether he was charging that the judge is biased. 'Not that,' Greenspun replied then added he expected to get few 'breaks' in the trial.

"At the Justice Department, a spokesman for Brownell said there would be no comment on Greenspun's statement 'while the matter is pending before the courts.'

"McCarthy could not be located for comment.

"Summerfield said 'this is in the hands of the Justice Department' and that he would prefer not to discuss it.

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"Greenspun told about 15 reporters he believes he was indicted originally in an effort by the Eisenhower administration 'to appease McCarthy,' but finds it hard to understand why the case has not been dropped now that McCarthy has split openly with President Eisenhower.

"The publisher said he asked District Attorney Graves why he was prosecuting the case and that Graves replied: 'I've got my orders.' He said Graves added he was 'going to have some good help' at the prosecutor's table.

"Greenspun said that Graves told one of his reporters that Brownell personally ordered the case prosecuted in a telephone call to the U. S. Attorney.

"Greenspun said he has learned of 'irregularities' in the handling of the grand jury which indicted him. He said no minutes of the proceedings were kept, but that he had learned Graves told the jurors 'they must return an indictment.'

"I had some very good friends on this grand jury," Greenspun said. "They were told they had to return an indictment and they did it!"

"Apparently in reference to his charge against Summerfield, Greenspun said a postal inspector gave testimony to the grand jury which the publisher will contend was illegal."

The Las Vegas Review Journal was examined at the Clark County Recorder's Office on May 6, 1955, and the following article is contained therein on pages one and three, pertinent portions of which are quoted as follows:

"Greenspun Charge Said Falsehood"

"U. S. Atty. Madison B. Graves today branded as 'absolute falsehoods,' charges by Sun Publisher H. M. Greenspun that he was 'beholden to Sen. George Malone, an antagonist of mine' when a federal grand jury indicated Greenspun on charges of authorizing a column 'tending to incite the murder or assassination' of Sen. Joseph McCarthy.

"Greenspun, who called himself at a news conference in Washington, D. C., and promptly proceeded to use it as a sounding board, charges that the indictment was 'rigged' and that two cabinet officers, two U. S. Senators, Federal Judge John Ross and Graves were conspiring to send him to jail." —.

"While the voluble defendant, who has sought to nail a host of Nevadans to his editorial cross, charged that Judge Ross and Graves were 'beholden' to Malone, he skirted possible contempt action by denying he was alleging the jurist was biased.

"However," he asserted, "I expect to get few breaks in the case" from Ross.

"Legal observers expressed the belief that Greenspun was desperately seeking to inject cause for prejudice into the court, for purposes of an appeal if the case goes against him."

In his column "Where I Stand" in the December 23, 1954, issue of the Las Vegas Sun, page one and two, GREENSPUN comments concerning United States Attorney MADISON B. GRAVES whom he refers to as MATT GRAVES in view of the fact GRAVES gave GREENSPUN an alias in the indictment. He refers to what he calls the "phony story" of his press conference as printed in the Las Vegas Review Journal of the previous day and points out there were more than a few reporters present as the suite was crammed full. The remainder of the column is devoted to an article reportedly written by ED REID, reporter for the Las Vegas Sun. This article is critical of the report writing of the Las Vegas Review Journal but no reference is made in the column to the court or Judge ROSS.

In his column "Where I Stand" in the December 24, 1954, issue of the Las Vegas Sun, pages one and two, GREENSPUN states as follows:

"I am capable of getting into trouble without help from anyone. I have my share of misfortune, hardships and am possibly plagued with as many worries as any five average men."

"I do not complain too bitterly, bemoan my fate, or cry on the other person's shoulder because most of my problems are self-inflicted. I am either an awful bonehead or just enjoy being miserable, but whatever the cause, I can truly boast of being a self-made sad-sack."

"I am well aware of the act of making enemies and sometimes pride myself on the caliber of those who detest me heartily. But there is one thing upon which I insist. I demand absolute freedom to choose my own foes without assistance from anyone, especially the afternoon newspaper."

"Jake Freedman of the Sands Hotel has one theory when it comes to politics. He never interferes because, and I quote Jake: 'the winner may forget you but the loser never does.'

"The same principle of life can be applied to judges. They should never be antagonized because it may take a day, twenty years, or a lifetime but someday, the judge who has been alienated may have to sit in judgment upon his antagonist.

"That is why I shall not be goaded into any act which might be construed as hostile to Judge John Ross. The afternoon paper might as well learn now that any efforts upon their part to sow discord between the federal judiciary and myself must meet with failure. I might not be the brightest person in Las Vegas nor am I the simplest - so I must reject the efforts of the opposition paper to create hostility between the man who will sit in judgment on my fate, and myself.

"In other words, I will thank the Review-Journal to mind their own doggoned business unless they are willing to share the consequences with me.

"I may not have learned too much in my lifetime but one thing which has impressed me is; 'always tip your hat to a judge.' 'Your turn may be coming up.'

"Trying a case in the newspaper is a very common procedure to the afternoon paper. Judicial criticism or public scorn has been unsuccessful in the past to stop this vicious practice.

"For the Messrs. McCahlan to print that I sounded off in Washington that the indictment against me was 'rigged' and that Judge Ross was in on the conspiracy to send me to jail, is the most untruthful, rotten type of distortion ever to appear in any newspaper.

"I doubt if Judge Ross will be taken in by the slimy attempt of the Review-Journal to cast innuendoes against the integrity of the federal judge who will preside at my trial.

"Any statements made by me at a press conference in Washington and which were reported in the press (other than the Review-Journal) are a matter of public record. I was well within my rights to answer all questions asked, and none of the answers in any way injected Judge Ross in the alleged conspiracy to secure an indictment against me.

"The language and allegations reported by the afternoon paper are not mine but a vicious attempt upon Cahlan's part to inject malice between a judge and a defendant.

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"The actions as well as the reporting of the afternoon paper are scurrilous and contemptuous. No sensible people will be taken in by such stupidity.

"This newspaper will make every attempt to permit a trial on the issues without editorial comment. It is hoped that the other newspaper will have the decency to deport itself as a proper newspaper should.

"Contemptuous action by either newspaper before or during the trial should be severely dealt with by the judiciary."

In the December 25, 1954, issue of the Las Vegas Sun in his column "Where I Stand", GREENSPUN has composed a poem contained on pages one and two of the paper. The following is quoted from the poem on page two:

"To our judges who daily listen to worries
McNamee, Henderson, Taylor and Foley
And even Judge Ross a greeting fine
And a special salute to Judge Taylor Wines"

Issues of the Las Vegas Sun for the months of January, 1955, through April, 1955, were made available to Confidential Informant SU T-1. Issues of the paper for these months were reviewed on April 5, 6, 9, 1955, and the following information contained in articles in the paper is set forth as follows:

In the March 29, 1955, issued of the Las Vegas Sun in the column "Where I Stand", pages one and two, GREENSPUN comments as follows:

"To write or not to write.

"The restraint on freedom to write and express an opinion will be strained to unreasonable limits when the trial of the United States of America, Plaintiff, against H. M. Greenspun, Defendant, starts on April 13, 1955.

"I can't understand why the government of the United States should want to put me in jail just to please Sen. McCarthy when I have been a far more loyal friend of the United States than the junior senator from Wisconsin. But the decision was made and the battle will start.

"I am advised that it is not ethical for me to comment about the trial or the facts in the case for fear of influencing the prospective jury. My query is this. With a possible five years staring me in my less than jovial kisser, who has time to think of ethics?

"And if it becomes a question of ethics, isn't it also incumbent upon the government to practice a little of it? There is no doubt now, that the Postmaster General of the United States, Attorney General of the United States, and United States Senator Joe McCarthy conspired to revoke the second class mailing privileges of this newspaper and/or in the alternative to get me indicted on a most spurious charge which involves heavy penalties if convicted.

"So with all these agencies of government practicing the most unethical kind of skullduggery when their freedom and liberty is not involved, how can they expect me to be correctly and righteously ethical when my liberty is at stake?

"If I were not the defendant in this case and another editor of a newspaper was indicted on identical grounds for the same supposed offense, this newspaper and my column in particular would be banging away continually about the challenge to freedom of the press by such an infamous indictment. And it would not have to be an editor who was the victim of such an outrageous conspiracy to deprive him of his constitutional guarantees. Any person who was being prevented from expressing an opinion would find a ready champion in this newspaper, so why shouldn't I do the same for myself?

"I sometimes wonder if the people of this country are aware of what can happen if an editor of a newspaper can be punished by fine and imprisonment if he writes that the lawlessness of an official of the government might only breed similar lawlessness against that official? The very attempt at criminal action would condemn countless writers, publicists, statesmen, and historians who have expressed similar views all through history.

"If I am to be punished for saying: 'Live by the sword and you die by the sword,' what should happen to Ernest Hemingway who wrote in Look Magazine only a week after I was indicted, that the answer to the McCarthy problem is a large caliber bullet. Not that I would want anything to happen to Hemingway, because his contribution to the world is infinitely greater than all the Brownells, Summerfields, McCarthys and three-quarters of all our supposed statesmen combined. But if a quotation from the Bible can be construed as an incitement, where will the line be drawn between opinions and incitements?

"One of the greatest Supreme Court Justices of all times, OLIVER WENDELL HOLMES, once wrote: 'Every idea is an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. Eloquence may set fire to reason but before an idea can be construed as an incitement, it must present a clear and present danger of starting a conflagration.'

"Holmes' brilliant and able colleague, Justice Louis Brandeis, stated: 'The fundamental right of free men to strive for better conditions through new legislation and new institutions will not be preserved, if efforts to secure it by argument to fellow citizens may be construed as criminal incitements to disobey the existing laws -- merely because the argument presented seems to those exercising judicial power to be unfair in its portrayal of existing evils, mistaken in its assumptions, unsound in reasoning or intemperate in language.'

"In other words, according to Justice Holmes and Brandeis, even though I were mistaken in my beliefs, unsound in my reasoning and intemperate in my language, I still have the right to express my opinion. And do you know something? I heartily agree with these men who were by far the greatest minds in the history of the Supreme Court of the United States.

"And I have other news for you. I intend to continue writing about the case, expressing my opinions and condemning any public official who in my opinion is usurping his powers in attempting to restrict my rights to express myself according to the freedoms and liberties guaranteed to me by the Constitution of the United States.

"If the United States Attorney for the State of Nevada thinks he can convict a newspaper editor for expressing an honest opinion, this newspaper will do all in its power to see that the United States Attorney is not successful in his vicious attempt to stifle freedom of speech and freedom of the press."

In the April 12, 1955, issue of the Las Vegas Sun, page one and thirteen, column "Where I Stand", by Hank Greenspun, the following comments are made:

"I don't know what others may think of 'freedom of the press,' but to me it is a living, vital thing . . . something to be guarded and

cherished and nurtured and protected. And somehow, it always appears to be in danger, not only from the dictatorial minded individuals but also from governments.

"Tomorrow morning, I go on trial in the federal court here in Las Vegas on a charge which the government calls; 'mailing non-mailable matter of an indecent character tending to incite murder or assassination.' In my opinion the correct charge should be; 'for expressing an opinion contrary to the beliefs of Sen Joe McCarthy and all the vassals and jackals in government who ran to do McCarthy's bidding for purely political purposes.'

"If today I had written the same article which resulted in the indictment, no one in government would have given it a second thought. McCarthy is discredited in the eyes of the administration and government employees have ceased to jump when he cracks his mouth. My crime, if such exists, is in writing the article, in question, at a time when the administration was anxious to appease the junior senator from Wisconsin.

"The test of criminal intent becomes therefore --- whether the subject discussed is a popular or unpopular issue.

"We have seen similar crimes committed in Argentina. A newspaper, LaPrensa, which dared oppose the Peron regime, was silenced and then confiscated by the government. If the same newspaper had been friendly to Peron and had acquiesced in everything he attempted to do, it would have escaped recriminations on the part of the government.

"Madison Graves, the United States Attorney for Nevada, was quoted yesterday as expressing 'displeasure with trial by newspaper,' which he said has been evidenced thus far in this case.

"Mr. Graves is overlooking something which to him might appear minor but to me is the very heart of the matter. It is not a trial by newspaper, as he would like for it to appear, but actually a trial of a newspaper. A prosecution of the right for an editor to express an opinion on a controversial matter.

"Now, Mr. Graves might not relish my writing about this matter while it is a subject before the courts. I, too, have definite opinions like Mr. Graves and I do not believe he has a right to act under the color of the law to commit a grave injustice of the law. I do not believe that any government official has the right to use his office to eliminate contrary views to their own.

"A newspaper has the right of unrestricted discussion of public affairs. The constitution gives it the power to be critical, to be denunciatory if necessary and the test is not the choice of words used in performing the service to which a good newspaper is dedicated.

"I suppose the way to stay out of trouble is to remain still about those in power, but that kind of silence defeats the very purpose of a newspaper. There are few countries left in this world where goodness is practiced and it is only in such countries that qualities are found such as freedom of speech and freedom of the press.

"Of all the evils that threaten goodness, the greatest is the continual assault on freedom of the press. Good men strive for freedom, evil men, tyrannical men, attempt to stifle and crash the American privilege of a newspaperman saying what he feels, when he wishes and to whom he pleases.

"This newspaper has tried to keep from making concessions to untruths, political expediency and other evils. We have come too far and at too great a cost to be forced to knuckle under to things we firmly believe to be wrong. And if it be suggested that it is improper for me to comment on a matter for which I face grave penalties --- if I am manacled in words and speech because of the mere act of an indictment, then freedom of the press becomes meaningless. Editors can be effectively silenced by the act of indictment.

"The editor of La Prensa in Argentina was ordered before the court to answer summary charges as if he had been accused of a heinous crime. The case is still pending and the newspaper has been effectively suppressed. The idea of the charges was to make free journalists constantly aware of the danger of operating freely ... to make them refrain from saying or publishing things which might displease the government or official party.

"In my case, I have been under indictment for over a year. If I were to remain silent during this period, the government could have accomplished by indirection which they could not do directly. I would have been effectively stifled.

"The business of this newspaper is to keep the public informed. It is our duty, to alert the people to any dangers which threaten them. It is not a personal issue between Joe McCarthy and myself no more than it becomes a personal issue between the editor of a newspaper and any crook and grafting public official who becomes ensnared by his own thievery and becomes an issue in the newspaper.

"This newspaper intends to continue exposing wrongdoing and any dangers to our way of life. It is our function and we do not intend to be silenced.

"It might be that I took the Constitution of the United States too literally ... that I believed in the words and wonderful thoughts therein expressed. If this is a crime, then I suppose I must answer for it, but so long as I am free to write, neither the United States Attorney, or any other official of the government will suppress any opinions I care to express in this newspaper.

"I owe it to my freedom, my entire family and everything in which I believe to speak and write freely without dictation, limitation, repression or oppression.

"Let the trial start."

In the April 17, 1955, issue of the Las Vegas Sun, subject comments in the column "Where I Stand, by Hank Greenspun," pages one and two as follows:

"I sure hope this case of mine will be over in a hurry. I can hardly wait to read what I intend to write about it. And write I will whatever the result. I intend to have some comments on the trial, expressions of my opinion, and they will be very definitely stated.

"As I sit in the courtroom, I almost wish some other newspaperman had been indicted instead of me. Not that I wish anyone hard luck but there is so much to write about this case that I would give up much of my wordly possessions just to be reporting this case freely --- a right which propriety denies to a defendant.

"It is just as well that I have been chosen as the guinea pig in an effort of the government to determine how far it can go toward upsetting constitutional law. At least I have a newspaper with which to fight back. But, think of some poor individual who cannot create a forum for voicing his opinion, and finds himself in a similar position. This is the chap who needs help and his is the case which will find a ready champion in me.

"In a way, I'm almost happy I was indicted in this matter. It gave me an opportunity to hear one of the most brilliant legal arguments ever expounded by a lawyer. It was my privilege to hear a truly great

man make of the law a living thing. The arguments addressed by Ed Morgan to Judge John Ross asking for a directed verdict of acquittal was one the like of which has never before been heard in a Nevada Court.

"It did not avail Morgan any, but it was not because he did not have the law on his side.

"Tomorrow morning at 10 o'clock, Ed Morgan will sum up for the defense in this case. His estimate of time necessary for his argument is two hours. After listening to him the other day, I do not hesitate to say that those present in the federal courtroom tomorrow morning will be treated to legal oratory comparable only to the days of Daniel Webster.

"Only a man who loves the Constitution of the United States like Ed Morgan does, can defend it so ably. He eats and drinks Freedom. It is as much a part of him as breathing and living. He is a man of tremendous ability, great courage and extreme moral and mental honesty.

"The team of Ed Morgan, of Washington; Bruce Thompson, of Reno; and Tom and Joe Foley, of Las Vegas, are slightly on the disillusioned side today. These are good, sincere, honest, and able lawyers, who are firm in their belief in the justice of their cause.

"I am obeying their counsel, and taking their guidance on abstaining from writing about things which I know to be wrong; but, all I can promise is that at the end of the trial this column will start:
----'and now comes the defendant, Herman Milton Greenspun, alias Hank Greenspun...who brings forth his own indictment...'!

"Justice is a quality which sometimes becomes awfully strained."

In the April 18, 1955, issue of the Las Vegas Sun, page one, in the column "Where I Stand", by Hank Greenspun, subject comments as follows:

"I see where Pierre LaFitte, alias Louis Tabet, is back in the news again. Bob Considine calls him the most amazing character operating in the narrow sphere between law enforcement and the underworld. He is a mystery man of many disguises, names and characters who has outwitted some of the toughest criminals in the world.

"Tabet helped me uncover some nasty birds in the past but if ever I needed help from him, it is now. For all we may know, he may be sitting in the courtroom this morning. He might be hiding in Madison Graves, alias Matt Graves' briefcase. He may even come disguised as a page from one of the judge's law books and these are not ordinary law books. They are almost as fantastic as Tabet."

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"I had better get off the case, however, and get into some sphere less controversial. Anyone for baseball?" The remainder of the column is concerned with baseball.

In the April 20, 1955, issue of the Las Vegas Sun under the column "Where I Stand, by Hank Greenspun", pages one and two, the following is set forth:

"I write today in tribute to one of the most sacred institutions known to our law, the American jury. For hundreds of years, Englishmen and Americans have regarded the right to be tried by a jury of one's peers as an important guarantee of liberty.

"The Constitution of the United States provides that every person accused of a crime shall have the right to be tried by an impartial jury in the district where the crime was committed. Some authorities consider the jury system an expensive and often faulty method of securing justice. But, not forgetting faults or expense, all I can say is, thank God for the great and glorious privilege and right of having a criminal case presented to, and considered by, a jury of one's peers -- one's neighbors, the members of a man's own community.

"If there was ever a case in all history that presented proof positive that our forefathers appreciated and knew the necessity for protecting the rights of men in establishing the jury system, the case of the United States against me is that case.

"I have witnessed a prosecution fraught with monumental error; but, I found my liberty, which had been jeopardized by an improper application of the law, protected by twelve men and women who are a credit to Las Vegas, to our free country, and to free men everywhere.

"Mark these names well for the eyes of the world are turned to Las Vegas to see if we in America have enough faith in our laws and ourselves to protect our cherished rights of freedom. These are the people who gave an answer and in ringing terms: Shirley Booth of Henderson; Rae Dunbar of Boulder City; Mable Brown of Las Vegas; Howard Pulsipher of Moapa; Gail Andress of Las Vegas; Rose Lawson of Boulder City; Louise Burkett of Las Vegas; Walter Askew of Las Vegas; Dean Pulsipher of Boulder City; Alfred Banks of North Las Vegas; Mary Ellen Dykstra of Las Vegas, and Verena Hermen at Las Vegas. Even the alternate juror, Robert Bellis of Boulder City, stated he would never have left the jury box to make his determination of 'not guilty.'

"Despite erroneous instructions given them by the court; despite the fact that I had been deprived of the right of presenting my defense against the charges made against me; in spite of grave impropriety on the part of the prosecution --- in spite of all these things, my fate and my liberty were placed in the hands of twelve men and women, tried and true.

"They were not deceived; they were not beguiled, for they were free men and women -- American citizens, who saw through the smoke-screen of the prostitution of scared rights, and through the exercising of their common sense and responsive to their deep love of freedom, unanimously vindicated my position.

"And though their minds were made up before they ever left the jury box, their deep abiding sense of fairness prompted them to give the government every consideration; so, they retired to the jury room to carefully read all of the judge's instructions. Despite the faulty charges of the court, there still could be only one answer --- 'not guilty.'

"Tribute too, should be paid to Bruce Thompson of Reno; Tom and Joe Foley of Las Vegas, and Ed Morgan of Washington, D. C., all counsel for the defense, who though outraged by the proceeding nevertheless secured an acquittal.

"Juror Mable Brown, a wonderful woman, hesitantly approached Ed Morgan after the verdict and asked if it were permissible to speak to him. When assured it was proper she remarked:

"Many years ago I heard William Jennings Bryan speak. When you started your summation this morning, I immediately knew I was listening to the first orator since Bryan." Ed Morgan was all of that and more. He gave life and vitality to our Constitution. He gave significance and meaning to the land called the United States of America.

"Telegrams and good-will messages are coming in from all over the country and the world. A telegram from a good newspaperman, Fred Blumenthal of Washington, D. C., seems to typify the sentiment of all:

"Sincere congratulations to you Ed Morgan, Bruce Thompson, the Foleys and twelve good men and true. Two hundred years ago a Frenchman said:

"We leave unmolested those who set fire to our house and persecute those who sound the alarm bell." Have times really changed? We are all rejoicing. Regards, Fred."

"I do not know whether times are changing, but I believe it will be another two hundred years before any federal administration will attempt and other criminal prosecution of the press for purely political purposes.

"Let no man, henceforth, doubt the fact that the American jury system is the very height and cornerstone of those institutions designed to insure equal justice under law."

In the April 21, 1955, issue of the Las Vegas Sun, pages one and four, in the column "Where I Stand," by Hank Green spun" the following comments are made:

"Soooo tired and so thankful too.

"I should be angry at so many things and so many people, but not today, too tired. If the wrath and resentment which I felt during the trial could have carried over, this could have developed into an extremely bitter article, but the verdict of the jury in the trial against me by the government took all the fight out of me. Too tired and too grateful."

"I distinctly recall one episode during the summation of United States Attorney Madison B. Graves, alias Matt Graves, when he falsely told the jury that he, too, believed in freedom of the press. I wrote a note to Tom Foley, who sat close to me at the counsel table, that I intended to make a true believer out of Mr. Graves ... but not today, too tired.

"But there's so much to tell. The world will little know, unless I tell it, the depths to which the prosecution had gone to prosecute and suppress a newspaper for purely political purposes. I intend to tell it, but all the congratulatory telegrams and messages give a person too good a feeling because of the large number of fine people in this country, so it may take a few more days before I can be sufficiently aroused to dwell on the evil influences that run rampant in the department of so-called justice, as exemplified by our United States Attorney.

"It might be that the dancing waters at the Royal Nevada Hotel opening sort of lulled me into an attitude of extreme repose. Water does that to exasperated nerves. It soothes and calms and makes turbulence tranquil. Or maybe it was the glorious voice of Helen Traubel, which brought contentment to my troubled soul. Or could it have been the sweet, mellifluous voice and piano playing countenance of Liberace and his equally honey -- like brother, George, at the Riveria opening, which dissolved any guile that has carried over from the trial.

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"I don't know how to attribute this sudden lack of torment which I feel. I am in a strange frame of mind. Where formerly, I approached my daily writing duties with dismal, depressing, cheerless and joyless feeling, today, I cannot even get sore at a public official who knowingly and maliciously tried to put me in jail.

"My dislike for Madison, alias Matt Graves, does not stem from these criminal proceedings alone. He long ago earned my contempt for actions I thought were inconsistent with proper, ethical practices. I opposed his nomination to the post of United States Attorney because of the man's state of mind, which I felt was not capable of rendering equal justice under the law to all races, creeds and colors, which comprise the vast army of citizens who have made our country so great. And besides, if I didn't have so many good reasons to dislike him, the very fact that he is a Harvard man and I come from the city of the Yales should be sufficient excuse for teaching him that public officials who are sworn to protect and defend the constitution of the United States, should hesitate long and reflect fully before attempting to curb one of the most sacred of the rights guaranteed to free men everywhere ... that of freedom of speech and freedom of the press.

"Mr. Graves had his fun during the year while I was under indictment - as gross and outrageous a miscarriage of justice as was ever attempted in these United States, and which indictment was connived in and aided and abetted by the United States Attorney for Nevada. If Mr. Graves was merely doing his duty in pursuit of those who fall afoul of the law, I would be the last to condemn, even though I were the victim. But Mr. Graves, in defiance of his sworn oath, was part of a conspiracy to cause harm to our judicial processes and he must therefore be apprised of his malefaction at every opportunity.

"Live by the sword and you perish by the sword. Wrongfully destroy people and they will in turn attempt to destroy you.

"It's the law of the range, but not today. I'm sooo tired and so grateful too, to twelve good men and women true.

"There's always tomorrow."

In the May 5, 1955, issue of the Las Vegas Sun in the column "Where I Stand" by Hank Greenspun, pages one and fifteen, there appears the following article:

"When Robert Jackson was Attorney General of the United States, he called a meeting of all the United States Attorneys in the

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Department of Justice to impress upon them the high principles and standards necessary for the government prosecutors in carrying out their functions of office.

Jackson spoke of the dignity of the law and said; "The United States never loses a case. If there is a verdict of guilty, a criminal has been brought to justice. If there is a verdict of innocence, it was a victory for the American system of jurisprudence."

"I certainly would not expect our present Attorney General to understan such high principles and it is too much to ask that United States attorneys, such as the present one for the State of Nevada, be cognizant of basic, fundamental rights of citizens to a presumption of innocence until proven guilty beyond a reasonable doubt. But somehow, Federal judges have been presumed to be beyond the pettiness of party politics. They wear judicial robes which are supposed to be a guarantee to all men of the United States of America of life, liberty and the pursuit of happiness.

"Now! I didn't want to be the one to bring it up because it was a case in which I was involved as a defendant and being so, I was naturally prejudiced. Besides, I was hesitant even to hint at criticism of a federal judge in a manner in which prejudice could be attributed to me. But someone other than I has raised the issue which gives me an opening for comment.

"Jack McCloskey, editor of the Mineral County Independent of Hawthorne, Nevada, has written about the results of the trial in which some federal officials joined forces to attempt the suppression of the Las Vegas Sun by attempting to send me to jail. Fortunately, justice did not miscarry and I was freed by a jury of my peers.

"Jack McCloskey seems concerned about some of the rulings of Judge John Ross and I am taking the liberty of reprinting his column from the Mineral County Independent.

- - - - -

"Hank Greenspun was acquitted by a federal court jury Monday on some kind of charge of sending through the mails an issue of his newspaper, the Las Vegas Sun, which carried a column by Greenspun that was supposed to be of a nature that could, or would, tend to incite someone to take a shot at Senator Joe McCarthy or rap the Wisconsin solon with a piece of iron pipe, or in some other manner shorten his days.

"We commend the jury for its verdict -- not that we're going to argue the merits (each has some) of Greenspun or McCarthy, or the shortcomings of the two controversial figures (and both men have more than a few). The much more important issue, in our opinion and in the opinion of many, many others was whether a newspaper that is highly critical of a public official can be sandbagged from the rear, so to speak.

"By that we mean that in the traditional American spirit of fair play the American public admires the man who will meet an opponent face to face. Senator McCarthy has the right to sue Greenspun for libel if he considers the controversial article as bad as the U. S. Attorney sought to convince the jury in Las Vegas that it was.

"McCarthy, an attorney and a former judge, - has made no such effort to exercise his right under the laws of the land. Yet the government, acting within the realm of policing powers through its post office department, decided to take up the issue --- and right then and there is where the issue became much bigger than just the two men involved.

"Granted that the post office department has tremendous powers in regulating what can be sent through the mail, that is all the more reason why the true intent of what is written or printed must be given full consideration.

"We have had a little bit of experience ourselves with the post office department regarding printed matter which we have sent through the mails. And even though there was not a single word or line that violated any specific regulation the postal authorities decided unto themselves that the intention of the material differed from the wording and therefore the matter was non-mailable.

"In more simple terms, the post office department can read what we have printed, guess that we meant something else, then proceed to punish us without giving any consideration to all the proof in the world that we might have that they guessed wrong.

"It is a basic rule of law that conclusions of witnesses are not to be considered as fact, and yet in this matter of 'regulatory' powers of a government agency we are constantly confronted with the untenable position of being denied the right to refute a false conclusion of a government agent who is no better qualified to make a decision than we are.

"And while we were pleased with the jury's verdict in the Greenspun case, we were more than a little disappointed in some of the rulings of Judge John Ross on points of law involved. Here again, maybe we are not supposed to question the decisions of the jurist, but so help us, this is too important to let pass without an honest expression.

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"We hope some day to have a heart to heart talk with Judge Ross, to drag out our files on some of our brushes with the post office department, then ask him to reconsider, in all humility, his rulings in the Greenspun case and define whether this matter of 'intent' is to be a one way avenue to be used only by the government.

- - - - -

"If Editor McCloskey was puzzled by Judge Ross' ruling in this case, how about the feelings of those with legal training who sat in the courtroom and were shocked by such inaccuracies of the legal principles involved?

"At one time during the five day trial, I actually implored my attorneys to ask the jury for a conviction so that we could go up on appeal to prove the judicial wrong which was being committed. But I knew in my heart that it was not necessary, the court was aware of it and better than anyone else."

- P -

SU 69-18

INFORMANT

SU Confidential Informant T-1 is [redacted] who made available, on May 4, 1955, to [redacted] SA LEO E. KUYKENDALL, on a strictly confidential basis, issues of the Las Vegas Sun for the months of December, 1954, and January and April, 1955. On May 5, 1955, he made available issues of the Las Vegas Sun for the months of February and March, 1955.

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b7D

LEADS

THE SALT LAKE CITY DIVISION

AT RENO, NEVADA

[redacted] Will confer with Assistant United States Attorney [redacted]
[redacted] relative to any additional investigation desired.

b6
b7C

REFERENCES

Salt Lake City teletypes to the Bureau 4/25/55, 4/26/55,
5/2/55, and 5/10/55.

Bureau teletypes to Salt Lake City 4/25/55 and 5/3/55.

ADMINISTRATIVE PAGE

PERSONAL ATTENTION

5/17/55 Airtel Airmail

SAC, Salt Lake City

HERMAN GREENSPAN
CONTEMPT OF COURT

RECORDED. 97 69-680-10

There is attached one copy of a memorandum dated 5/13/55 received by Bureau from Criminal Division of Department. Your office should be guided accordingly.

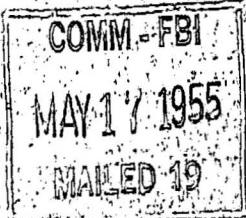
Ex. - 113 Expedite and advise date report completing investigation will reach Bureau.

HOOVER

Enclosure

RER:sjf
(4)

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Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____



JACN 10 Rem 4726

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

DATE:

May

W.O.D.
FROM : Warren Olney III, Assistant Attorney
General, Criminal Division

WO:WLJ:rp

SUBJECT: Herman Greenspun. Contempt of Court

48-46-15

76 4-1

Mr. Tolson
Mr. Bostelman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. 95-151a
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Herman M. Greenspun

This is in response to your memorandum of May 4, 1955, to the Attorney General, wherein it was stated that you have been requested to review newspaper articles and releases by Greenspun as a basis for a determination whether they constitute contempt of court.

It is requested that upon completion of the review of the newspaper articles that you submit the matter to the Criminal Division before undertaking any further investigation. A similar communication has been addressed to the United States Attorney, Reno, Nevada.

Printed 5/25/55
5 REF 558

cc Evans and Supervisor

RECORDED - 51

EX-113 17 MAY 18 1955

63 MAY 26 1955 F204

69-680-10

MAX 16 1955

EX-113

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

AIRTEL
Transmit the following ~~7677 type~~ message to: BUREAU
FBI, SALT LAKE CITY 5/21/55

DIRECTOR, FBI

HERMAN MILTON GREENSPUN, wa.
CONTEMPT OF COURT

Rebuairtel 5/17/55.

Report of SA [redacted] submitted 5/17/55, air mail. In view instructions, referenced airtel and enclosure thereto, this case being placed in closed status this office.

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CORNELIUS

END
69-18
LJM:mj
(4)

Mr. Rosen

RECORDED - 15

69-680-11

EX-104

17 MAY 23 1955

63 MAY 31 1955

Approved: *alw*
Special Agent in Charge

Sent _____ M Per _____

FD-36
Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy
MJ

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

DATE: June 23

FROM : Warren Olney III, Assistant Attorney General
Criminal Division

WO:WLJ:cd

SUBJECT: Herman Milton Greenspun

48-46-15

69-680

This refers to your memorandum of May 26, 1955, and the attached report of Special Agent [redacted] dated May 17, 1955.

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

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b7C

As we do not contemplate any further action on this matter, no further investigation is desired at this time.

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f.334

Newspaper Wins Blackmail Case

CARSON CITY, Nev., July 22 (AP)—The State Supreme Court yesterday threw out of court the blackmail charges brought against Las Vegas newspaper publisher Herman Greenspun.

The charge was filed by Lander County District Attorney George Holden, who accused the Las Vegas Sun publisher of trying to influence District Judge John Sexton in a libel case he was trying against the newspaper.

The Supreme Court held there was no basis for the charge.

The libel case against Mr. Greenspun was brought by Attorney George Franklin, Jr., now a candidate for the Democratic nomination for Governor. Mr. Franklin won a \$190,000 judgment for the Sun's publication of a story about the attorney's handling of an adoption case.

Tolson _____
 Boardman _____
 Belmont _____
 Mohr _____
 Nease _____
 Parsons _____
 Rosen *TPA/HR* _____
 Tamm _____
 Trotter _____
 Clayton _____
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 Holloman _____
 Gandy _____

W. C. Sullivan

Jilligan 4-1

Wash. Post and _____
 Times Herald _____
 Wash. News _____
 Wash. Star *AL* _____
 N. Y. Herald Tribune _____
 N. Y. Journal-American _____
 N. Y. Mirror _____
 N. Y. Daily News _____
 N. Y. Times _____
 Daily Worker _____
 The Worker _____
 New Leader _____

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 NOT RECORDED
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Date *JUL 22 1958*

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